SLF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
'08 FEB 25 AM 11:5
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jesus SAUCE-Garcia,** Defendant	Magistrate Docket No. '08 MJ 0544 COMPLAINT FOR VIOLATION OF: CP Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 24, 2008** within the Southern District of California, defendant, **Jesus SAUCE-Garcia,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF **FEBRUARY, 2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

SLF

CONTINUATION OF COMPLAINT:
Jesus SAUCE-Garcia

PROBABLE CAUSE STATEMENT

On Sunday, February 24, 2008, at approximately 5:00 a.m. Senior Patrol Agent R. Rogel was conducting line watch duties near Campo, California. At approximately 5:20 a.m., a Border Patrol scope operator transmitted, via Agency radio, that he observed a group of 3 individuals cross the United States / Mexico International Border in an area known as "the AG Loop Road". This area is approximately six miles east of the Tecate, California Port of Entry and approximately a tenth of a mile north of the International Border. Agent Rogel responded to the area and waited for the group. After a few minutes, Agent Rogel saw the group and ran toward them. After a brief foot pursuit, Agent Rogel was able to catch two of the three individuals. Agent Rogel identified himself as a United States Border Patrol Agent and questioned the two individuals regarding their citizenship and nationality. Both individuals, including one later identified as the defendant **SAUCE-Garcia, Jesus**, freely admitted that they were citizens and nationals of Mexico. Agent Rogel then questioned the two individuals regarding any immigration documents they might have allowing them to enter into or remain in the United States legally. Both individuals, including the defendant, admitted that they do not have any immigration documents allowing them to be in or enter the United States legally. At 5:30 AM, Agent Rogel arrested both individuals and transported them to the Tecate, Border Patrol Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **February 11, 2008~~, through San Ysidro, California~~.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.